

Appl. No.: 10/656,704
Art Unit: 1712 Docket No.: B02-68
Reply to Office Action of February 28, 2005

REMARKS

Claims 1-25 appear in this application for the Examiner's review and consideration. Claims 1, 2, 13, and 20 have been amended. In particular, claims 1 and 13 have been amended to remove a typographical error/improper and unclear claim language. Claim 2 has been amended to clarify values associated with the chemical structure that were inadvertently omitted. Claim 20 has been amended to recite a structure. No new matter has been added by these amendments and additions.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1-19 and 22 were rejected under 35 U.S.C. § 112, second paragraph. In particular, the "such as..." language in claims 1 and 13 was deemed unclear. Applicant thanks the Examiner for catching this inappropriate claim language which was, obviously, left in the claim inadvertently. As such, Applicant has amended claims 1 and 13 to correct this typographical error.

Regarding claim 2's structure, Applicant has amended the claim to recite the values for x, y, and R, which were inadvertently omitted. The unclear 'Y' group is now clarified as a result of the amendment to claim 1.

Regarding the rejection of claim 22, Applicant believes the Examiner simply misread the claim – it clearly recites a "telechelic polyol," not a "telechelic polyamine" as the Examiner asserts. Applicant agrees that independent claim 20 requires a telechelic polyol.

The rejection under 35 U.S.C. § 112, second paragraph, is therefore believed to have been overcome. Applicant respectfully requests reconsideration and withdrawal thereof.

Rejection Under 35 U.S.C. § 101

Claims 20, 21, and 23-25 were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 20, 21; and 23-25 of copending U.S. Patent Application Serial No. 10/656,756. Given the amendment to claim 20 of the present invention and the concurrent amendment to claim 20 of the 10/656,756 application, Applicant believes this rejection is now moot and request withdrawal thereof.

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Rejections Under 35 U.S.C. §§ 102(e) and 103(a)

Claims 20-25 were rejected under 35 U.S.C. § 103(a) as being obvious over Dewanjee or Yokota in view of Seneker; claims 20 and 22-25 were rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Rajagopalan '100; and claims 20 and 22-25 were rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Rajagopalan '102.

Applicant respectfully submits that none of the cited references disclose, or even suggest, a monodisperse telechelic polyamine. The structure recited in independent claims 1, 13, and 20 requires at least a -C-C- in the backbone of the polyamine based on the at least two independently polymerized vinyl (a hydrocarbon) groups – each of the references disclose carbon-ether, carbon-ester, or polycarbonate linkages, none of which fit the recited structure.

Applicant notes that while polyurethanes and polyureas all have a polydispersity, it is by no means inherent, as polydispersity is controlled by a variety of factors during polymer synthesis.

For at least the above reasons, the rejections under 35 U.S.C. §§ 102(e) and 103(a) are believed to have been overcome. Applicant respectfully requests reconsideration and withdrawal thereof.

Rejection Under Provisional Obviousness-Type Double Patenting

Claims 20 and 22-25 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-27 of co-pending U.S. Patent Application Serial Nos. 10/434,739 and 10/434,738.

Applicant will consider filing a terminal disclaimer once the scope of the claims in either case is determined. Until that date, Applicant respectfully traverses the obviousness-type double patenting rejection because Applicant believes that the claim scope of both cases is patentably distinct (*i.e.*, given the amendment to independent claim 20). It is also unclear how the Examiner can determine what Applicant's 'intended' in the claims by reading a value for polydispersity from the Specification into the claims without a formal amendment by Applicant.

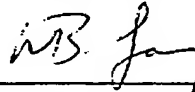
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CONCLUSION

Based on the remarks set forth above, Applicant believes that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicant's attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

No fee is believed to be due for this submission because 1) the three-month date of May 28, 2005 fell on a Saturday and 2) Monday, May 30 was a government holiday – the response date is, therefore, extended to Tuesday, May 31. Should any other required fees be due, however, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,



Date: May 31, 2005

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